

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

UNITED STATES OF AMERICA

§

V.

§

CIVIL NO.: L-15-4

§

2001 FREIGHTLINER FLD12064T TRACTOR
VIN: 1FUPUSEB71LH52167

§

COMPLAINT FOR FORFEITURE IN REM

The United States of America, Plaintiff in the above entitled and numbered cause, by and through its Untied States Attorney for the Southern District of Texas and its Assistant United States Attorney assigned to this matter, files this Complaint for Forfeiture in Rem against one **2001 FREIGHTLINER FLD12064T TRACTOR, VIN: 1FUPUSEB71LH52167**, hereinafter referred to as "Defendant Vehicle" and would respectfully show the Court the following:

I.

Jurisdiction is conferred upon this Court by virtue of Title 28, United States Code, Sections 1345 and 1355.

II.

This Court is a proper venue for this matter pursuant to Title 28, United States Code, Section 1395. The Defendant Vehicle is now and will remain in the jurisdiction of this Court during the pendency of this action.

III.

The Defendant Vehicle was used or intended to be used to facilitate a violation of Title 8, United States Code, Section 1324 and is, therefore, subject to forfeiture to the United States pursuant to Title 8, United States Code, Section 1324(b) which provides for the forfeiture of any conveyance used in any manner to facilitate the commission of said offense.

IV.

The facts and circumstances supporting the seizure and forfeiture of the Defendant Vehicle are as follows:

On August 22, 2014, the Defendant Vehicle, driven by Darrell Wayne RICHARDSON, approached the United States Border Patrol checkpoint located at mile marker 29 on IH-35 in Webb County, Texas. During an immigration inspection, U.S. Border Patrol Agent (USBPA) Enrique Rico, Jr., requested consent from the driver to search the inside of the tractor. RICHARDSON gave his consent and upon inspection of the cabin, USBPA Enrique Rico, Jr. and Leonel Perez found eight (8) individuals in the sleeper area. An immigration inspection of all eight (8) individuals revealed that they were citizens and nationals of Mexico without any documents allowing them to enter or remain in the United States legally. RICHARDSON was been criminally indicted in cause number L-14-CR-820 for alien smuggling and pled guilty to said offense.

V.

The Defendant Vehicle is within the jurisdiction of the Court having been seized in Webb County, Texas by agents of the Department of Homeland Security, United States Border Patrol on August 22, 2014.

VI.

The Defendant Vehicle is owned by Reynaldo Ortiz and has an appraised value of \$9,263.00.

VII.

By reason of the foregoing, The Defendant Vehicle is subject to an Order of Forfeiture to the United States of America.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays for the following:

1. That notice of Forfeiture issue according to the normal procedure of the Court citing all persons having an interest in the Defendant Vehicle to appear on the return day of said process and make such Claim and Answer as they may have;
2. That Judgment of Forfeiture be decreed against the Defendant Vehicle;
3. That, following a Judgment of Forfeiture, the Defendant Vehicle be disposed of according to law; and
4. For costs of this action, including costs of seizure and for such additional relief to which Plaintiff may show itself entitled.

Respectfully submitted,

KENNETH MAGIDSON
UNITED STATES ATTORNEY

By: s/ Mary Ellen Smyth
Mary Ellen Smyth
Assistant U.S. Attorney

VERIFICATION

I, Leopoldo Ruiz, Special Agent with the Department of Homeland Security, Homeland Security Investigations in Laredo, Texas, declare under penalty of perjury that I am one of the agents responsible for the investigation concerning this litigation. I have read the above Complaint for Forfeiture. Based upon the investigation conducted by myself and agents of the United States Border Patrol, and my review of that investigation, the information contained in the Complaint for Forfeiture is true and correct and establishes probable cause to forfeit the Defendant Vehicle as set forth therein.

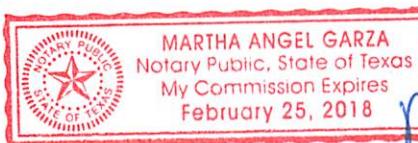
I declare under penalty of perjury that the foregoing is true and correct.

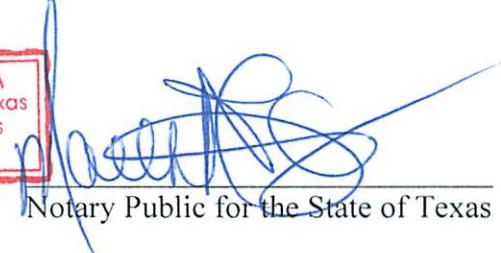
Executed on this the 7 day of January, 2015.


Leopoldo Ruiz, Special Agent
Department of Homeland Security
Homeland Security Investigations
Laredo, Texas

SUBSCRIBED and SWORN to before me the undersigned Notary Public on this
the 7 day of January, 2015.


My Commission Expires




Notary Public for the State of Texas

UNITED STATES DISTRICT COURT
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NOTICE OF FORFEITURE ACTION

Notice is hereby given that an action styled as shown above has been brought by the United States of America, Southern District of Texas, Laredo Division on seeking to forfeit the following:

2001 FREIGHTLINER FLD12064T TRACTOR, VIN: 1FUPUSEB71LH52167

Said property was seized on August 22, 2014 by the Department of Homeland Security, Customs and Border Protection, an agency of the United States of America, in Laredo, Texas.

Anyone claiming an interest in this property and wishing to contest this forfeiture action must file a Claim in the above-referenced case within sixty (60) days of the first day of internet publication at www.forfeiture.gov of this action or within thirty-five (35) days of having been sent actual notice of this action or within such time as may be allowed by the Court. The Claim must be verified upon oath or solemn affirmation stating your interest in the property by which you claim a right to defend the forfeiture action; and you must also file an Answer to the Complaint for Forfeiture within twenty-one (21) days after the filing of your Claim, serving copies of both your Claim and Answer upon: The United States of America, c/o U.S. Attorney's Office, Attn: Forfeiting Attorney, 1100 Matamoros, Suite 200, Laredo, Texas 78040, and the U.S. District Clerk, 1300 Victoria St., Suite 1131, Laredo, Texas 78040.

KENNETH MAGIDSON
UNITED STATES ATTORNEY
SOUTHERN DISTRICT OF TEXAS

Notice sent: January 7, 2015
Claim due: February 11, 2015